

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM  
Section 7: Rio Brazos

**Subfile No. CHRB-005-0027**

**MOTION TO VACATE CONSENT ORDER**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to vacate the Consent Order filed April 10, 2002 (Doc. 6616) in connection with defendant Thomas Gaylor and subfile CHRB-005-0027 and as grounds therefore Plaintiff states as follows:

1. Thomas Gaylor signed and approved a Consent Order filed with the Court on April 10, 2002. Shortly thereafter he contacted the State concerning errors in the mapping of his property boundaries and irrigated acreage. After a field inspection of the property, the State prepared a corrected mapping of the irrigated acreage in this subfile, and the defendant signed and approved a new Consent Order that was filed with the Court on April 17, 2007 (Doc. 8621). The Order filed in 2002 was not vacated prior to the filing of the new Order.

2. The Consent Order filed April 10, 2002 (Doc. 6616) should be vacated in order to clear the record.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to vacate the Consent Order filed April 10, 2002 (Doc. 6616) in connection with defendant Thomas Gaylor and subfile

CHRB-005-0027.

Respectfully submitted,

/s/ Ed Newville

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 3rd day of May, 2007 I filed the foregoing electronically through the CM/ECF system and served the following non-CM/ECF Participant in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Thomas Gaylor  
Ensenada Rt., Box 20  
Tierra Amarilla, NM 87575